

REMARKS/ARGUMENTS

In response to the Office Action mailed May 5, 2005, Applicants amend their application and request reconsideration. In this Amendment no claims are cancelled and claim 16 is added so that claims 1-16 are now pending.

Independent claims 1 and 8 are amended for clarity. These amendments are consistent with the original disclosure describing a wireless transmitter and receiver in the portable apparatus and that the control processing unit is not part of and is external to the portable apparatus. The invention has been previously described, but is again summarized for the benefit of the Examiner. The invention as described in claim 1 concerns a portable apparatus. The example illustrated in the patent application is a portable telephone. The portable apparatus interacts with a central processing unit, both sending information to that central processing unit and receiving information from that central processing unit. An instruction to the portable apparatus to make a change in an operated apparatus may be vague and non-quantitative. The person providing the instruction may be unsophisticated, e.g., a child or elderly person, about controlling the operated apparatus. Thus, the raw instruction request goes to the central processing unit which consults a database to translate the raw instruction into a specific instruction for the controlled apparatus. That specific instruction, received by the portable apparatus is then sent to the operated apparatus to effect the desired change in operating state.

The portable apparatus includes some means for inputting instruction information for controlling the controlled apparatus that is remotely controllable. The input means may be voice or video-activated, for example. The portable apparatus further includes a wireless transmitting means that transmits that instruction information to the central processing unit. Within the central processing unit, the instruction information is processed, for example by reference to a database. The database includes remote controller control instructions that correspond to respective remote controllers and appropriate instruction information for those remote controllers. Based upon information retrieved from the database in response to the received instruction information, a remote controller control instruction is transmitted from the central processing unit to the wireless receiving means. Finally, in the portable apparatus, there is a control means that controls the external apparatus, for example by transmitting yet another wireless signal, based on the remote controller control instruction, so that the

controlled apparatus is adjusted. As explained in the patent application, by providing this portable apparatus, an unsophisticated person can control, at a distance, various different complex remotely controlled apparatus, such as an air conditioner, television, or video apparatus, using, conveniently, the single portable apparatus.

Claim 8 is directed to the entire system of remote control. In addition to the elements of claim 1, the remote control system according to claim 8 includes the central processing unit that receives, according to the language of claim 8, operation information from the wireless transmitting means, the operation information having been input to the inputting means of the system. After consultation with the database and the production of an appropriate remote controller instruction, the central processing unit sends that instruction to the wireless receiving means. Finally, the wireless receiving means, through the control means, which is also within the portable apparatus, provides for control of the external apparatus.

In this Amendment, claim 16, a dependent claim, is added. Claim 16, like existing claim 13, merely states that the elements of claim 1 in the portable apparatus are parts of a portable telephone.

In the Office Action mailed May 5, 2005, the previous rejections were restated, although with regard to properly numbered claims and, in addition, two new obviousness rejections were made with respect to dependent claims 12 and 13. Independent claims 1 and 8, as well as dependent claims 3, 6, 7, 9-11, and 15, were again rejected as anticipated by Nguyen (U.S. Patent 6,256,033). This rejection is again respectively traversed. Further, it is apparent that if neither of claims 1 and 8 is anticipated by Nguyen, that all of the several rejections made in the Office Action fail. For that reason, the following discussion focuses on the rejection of claims 1 and 8.

It is fundamental that to anticipate a claim, a prior art publication must describe every element of the claim. Nguyen fails that stringent test as to both of claims 1 and 8.

Nguyen describes a hard-wired apparatus that captures an image through a video camera 200 shown in Figure 2 of Nguyen. That captured image of a person making various gestures is supplied by cable to an image processing apparatus, namely a personal computer shown in Figure 2 of Nguyen but not given a reference number. Some signal processing occurs within the computer and, in a particular example described repeatedly in Nguyen, some discrimination is made with respect to gestures by the person whose image is captured.

For example, when the person waves his arms as if flying like a bird, then the signal processing, upon consultation with some kind of stored information, recognizes the images as comparable to a flying bird. A corresponding bird image is retrieved from the memory of the personal computer and is displayed on the screen of a monitor 208 shown in Figure 2 of Nguyen.

The correlation made between the elements of Nguyen and the elements of the two independent claims in making the rejection was not fully explained in either the first or the second Office Actions. Accordingly, Applicants have been left to speculate as to the correlation made. Based upon the best understanding of the disclosure of Nguyen and the elements of claims 1 and 8, it is apparent that Nguyen cannot anticipate either of those claims.

In the Office Action mailed May 5, 2005, the video camera 200 in Figure 2 of Nguyen was identified as a portable apparatus. When that comparison is made, then, in order to meet claim 1, that portable apparatus, i.e., the video camera, must include an inputting means for receiving instructions, a wireless transmitting means for transmitting the instruction information to a central processing unit, a wireless receiving means for receiving a remote controller control instruction from the central processing unit, and control means for controlling an apparatus external to the portable apparatus. As best understood from the Office Action, presumably the inputting means of Nguyen is the video camera 200. Presumably image signal information from the camera is communicated via a cable, not wirelessly, to the computer in Figure 2 of Nguyen. However, in the Office Actions, the Examiner has not identified any element corresponding to the wireless receiving means that receives return instructions from the computer shown in Figure 2 of Nguyen. All that was identified in rejecting claim 1 with reference to the receiving means was a citation to column 7, lines 10-38 of Nguyen. However, that passage does not support the rejection.

The passage in column 7, lines 10-38 of Nguyen merely describes the generation or retrieval of an image, based upon gestures by the person whose image is captured by the video camera 200. The retrieved image is not returned to the video camera 200 because that image would have no purpose within the video camera. In fact, the cited passage does not even describe the destination of the retrieved image. Instead, one has to consult the passage from column 5, line 61 through column 6, line 4 of Nguyen to observe that the image transmitted from the central processing unit, quite logically, is transmitted to the monitor 208,

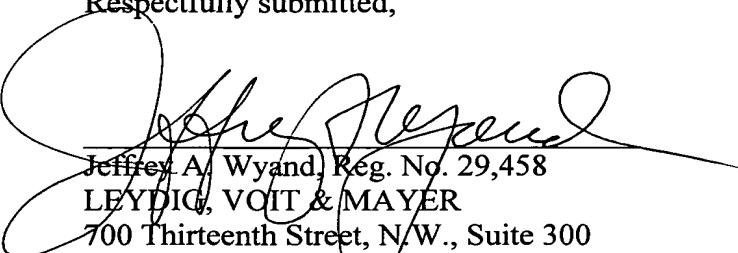
not to the video camera. Therefore, it is apparent that there is no element in Nguyen that can correspond to the wireless receiving means of claim 1 so that Nguyen cannot anticipate any of claims 1, 3, 6, 7, and 15. That rejection must be withdrawn.

The analysis with regard to claim 8 and the claims depending from claim 8 that were rejected as anticipated by Nguyen is essentially identical to the analysis supplied with respect to the rejection of claim 1. The remote control system of claim 8 includes, within a portable apparatus, an inputting means, a wireless transmitting means, a wireless receiving means, and a control means. In rejecting claim 8, the Examiner did not even cite any portion of Nguyen as corresponding to the wireless receiving means of that claim. See the Office Action mailed May 5, 2005 at page 4. Thus, it is apparent that Nguyen cannot anticipate independent claim 8 or its dependent claims 9-11.

Applicants again acknowledge that dependent claims 2, 4, 5, 12, and 13 were each rejected as obvious over Nguyen in view of respective secondary references. These rejections are respectfully traversed. It is not necessary to respond in detail to these rejections because the rejections of these claims depend, for their propriety, on the anticipation of either claim 1 or claim 8 by Nguyen. Since that anticipation is impossible, the rejections of these other claims fall upon the withdrawal of the rejections of claims 1 and 8.

For the foregoing reasons, all of claims 1-18 should be allowed.

Respectfully submitted,


Jeffrey A. Wyand, Reg. No. 29,458
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

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JAW:ves


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